



UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/201,644 11/30/98 PABLA

K 83000.1076/P

EXAMINER

TM02/0827

THE HECKER LAW GROUP
1925 CENTURY PARK EAST
SUITE 2300
LOS ANGELES CA 90067

SAX, S

ART UNIT

PAPER NUMBER

2173

DATE MAILED:

08/27/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

091201644

Applicant(s)

Pab11

Examiner

Sax

Group Art Unit

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—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _____ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- ☒ Responsive to communication(s) filed on 6/01
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 1-21 is/are pending in the application.
- Of the above claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 1-21 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
 - ☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been received.
 - ☐ received in Application No. (Series Code/Serial Number) _____
 - ☐ received in this national stage application from the International Bureau (PCT Rule 1.7.2(a)).

*Certified copies not received: _____

Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____
- ☐ Interview Summary, PTO-413
- ☒ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Other _____

Office Action Summary

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DETAILED ACTION

1. This response filed 6/01 has been received, and the finality has been removed.
2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

3. Claims 1-3, 15, 16, 18, 19 are rejected under 35 U.S.C. 102(e) as being anticipated by Crutcher et al (5844560).
4. Regarding claims 1-3, 15-16, 18-19, see in Crutcher et al: the abstract, Figures 3, 5, 7, column 2 lines 1-19 and 59-68, column 3 lines 18-35 and 54-68 (note the change in the element when input device is detected and when therefore its handling code is associated with the element), column 4 lines 15-38 (again note how the element's look is modified), column 7 lines 48-68. Note that these claims are broad and recite merely that the runtime version of the element is examined and subsequently identified as supporting the input device. This is status indication of the input device, and the element is marked or modified accordingly. This is shown in the

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aforecited, with the computer system examining the element at runtime and determining whether the input device is affecting it (which would imply that the device's handling code is associated with it.

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 4-14, 17, 19-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Crutcher et al (5844560) in view of Carey et al (6122627).

7. Regarding claim 4, in addition to the aforementioned, Crutcher et al do not go into the details of examining during the construction of an element, but do mention flexibility in examining the element. Also, see in Carey et al: the Abstract, Figure 7, Figure 9A, column 3 lines 58-68, column 4 lines 1-10, column 5 lines 34-60, column 9 lines 47-60, column 10 lines 5-26, column 21 lines 1-33 for example. This shows how an element is examined during construction. It would have been obvious to a person with ordinary skill in the art to do this in Crutcher et al as well, for added flexibility in a system that examines elements.

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8. Regarding claims 5-8, 10-13, 15-17, 19-20, Crutcher et al may not go into the details of the class definitions, superclasses, and interface declarations, but these are properties that are associated with interface elements. This is shown in Carey et al: see also column 6 lines 10-52, column 7 lines 32-68, column 8 lines 1-20, column 11 lines 16-68, column 15 lines 18-53, column 16 lines 47-68. It would have been obvious to a person with ordinary skill in the art to have this in Crutcher et al because it would provide a convenient way to use the elements
9. Regarding claims 9, 14, 18, 21, Crutcher et al may not go into the details of whether the element delegates the processing of the input to other code, but do show flexibility in handling elements, and Carey et al show delegating various element processes. Delegating to other code is common in the art as a flexibility for handling elements. It would have been obvious to a person with ordinary skill in the art to do this in Crutcher et al because it would provide a convenient way to add flexibility to element handling.
10. Applicant's arguments with respect to claims 1-21 have been considered but are moot in view of the new ground(s) of rejection.
11. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Steve Sax, whose telephone number is (703) 305-9582. The examiner can

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normally be reached on M - F from 9:30 - 6:00 ET. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca, can be reached at (703) 308-3116.

12. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3800.

A handwritten signature in black ink, appearing to read 'Sax', with a long, sweeping horizontal stroke extending to the right.

**STEVEN SAX
PRIMARY EXAMINER**